

Message Text

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ACTION OES-06

INFO OCT-01 ARA-06 IO-13 ISO-00 CIAE-00 EUR-12 H-01 INR-07
L-03 NSAE-00 OIC-02 OMB-01 PA-01 PM-04 PRS-01 SP-02
SS-15 USIA-06 TRSE-00 DODE-00 NSC-05 ACDA-07 EA-07
FEAE-00 EB-08 /108 W
-----111844Z 127820 /46

P 111643Z MAR 77
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC PRIORITY 8785
AMEMBASSY BOGOTA PRIORITY
USERDA HQ WASHDC PRIORITY
USERDA GERMANTOWN PRIORITY

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DEPT PASS IO/SCT

EO 11652: NA

TAGS: IAEA, TECH, ENRG, PARM, MNUC, US, CO
SUBJECT: EXPIRING AGREEMENT FOR NUCLEAR COOPERATION

REF: STATE 048126

1 IN VIEW SHORT TIME REMAINING TO REACH MUTUAL AGREEMENT
WITH IAEA AND GOC ON TEXT OF PROPOSED TRILATERAL PROTOCOL
TO PROLONG EXISTING TRILATERAL SAFEGUARDS TRANSFER
AGREEMENT, MISSION HAS INFORMALLY ADVISED AGENCY'S LEGAL
DIVISION OF FACT THAT U.S.-GOC BILATERAL AGREEMENT WILL
EXPIRE ON MARCH 28, 1977, AND THAT WE HAVE UNDER CONSIDERATION
A PROPOSED PROTOCOL TO EXTEND THE CURRENT TRILATERAL
SAFEGUARDS TRANSFER AGREEMENT WHICH OTHERWISE WOULD
EXPIRE ON THAT SAME DATE. WE HAVE ALSO INFORMALLY
PROVIDED AGENCY LEGAL DIVISION STAFF MEMBER WITH TEXT OF
DRAFT PROTOCOL SET FORTH IN PARA 10 REFTEL.
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2. AGENCY'S LEGAL DIVISION HAS PROPOSED A REVISED
DRAFT PROTOCOL SET FORTH BELOW, MOST OF WHICH INVOLVES
STYLISTIC CHANGES BUT ALSO INCLUDES ONE SIGNIFICANT
SUBSTANTIVE ADDITION, I.E., AN EXPLICIT CONFIRMATION
THAT THE UNDERTAKINGS IN THE SAFEGUARDS TRANSFER
AGREEMENT PRECLUDE THE USE OF ANY ITEM SUBJECT TO
SUCH AGREEMENT "FOR THE MANUFACTURE OF ANY NUCLEAR WEAPON

OR TO FURTHER ANY OTHER MILITARY PURPOSES
OR FOR THE MANUFACTURE OF ANY OTHER NUCLEAR EXPLOSIVE
DEVICE". THIS IS ALSO CONSISTENT WITH AGENCY PRACTICE TO
MAKE THIS PROVISION EXPLICIT IN ALL SAFEGUARDS
AGREEMENTS, AND IS CONSISTENT WITH SUBSTANCE OF
WHAT U.S. PROPOSES IN ITS EXCHANGE OF NOTES WITH
GOC PER REFTEL. FYI. MISSION STRONGLY SUPPORTS
INCLUSION OF THIS PROVISION, SINCE IT COULD ALSO
BE HELPFUL IN DEALING WITH CURRENT DIFFICULTIES WITH
ROK SUSPENSION PROTOCOL. END FYI.

3. MISSION BELIEVES AGENCY'S VERSION OF DRAFT
PROTOCOL IS ACCEPTABLE, AND IF DEPT/ERDA AGREE, WE
RECOMMEND THAT EMBASSY BOGOTA BE REQUESTED TO
SUBSTITUTE IT FOR TEXT CONTAINED PARA 10 REFTEL.

4. TEXT OF AGENCY'S DRAFT IS AS FOLLOWS:

QUOTE PROTOCOL PROLONGING THE AGREEMENT BETWEEN
THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT
OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA FOR THE APPLICATION OF
SAFEGUARDS

QUOTE WHEREAS THE AGREEMENT BETWEEN THE INTER-
NATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE
REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED
STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS
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SIGNED ON 9 DECEMBER 1970 (HEREINAFTER REFERRED TO
AS THE "SAFEGUARDS TRANSFER AGREEMENT") PROVIDES
THAT IT WILL REMAIN IN FORCE DURING THE TERM OF THE
AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA CONCERNING CIVIL USES OF
ATOMIC ENERGY SIGNED ON 9 APRIL 1962, AS AMENDED BY
AN AGREEMENT SIGNED ON 24 FEBRUARY 1967 (HEREINAFTER
REFERRED TO AS THE "AGREEMENT FOR COOPERATION"),
QUOTE WHEREAS THE AGREEMENT FOR COOPERATION WILL, BY
ITS TERMS, EXPIRE ON 28 MARCH 1977,
QUOTE WHEREAS SECTION 33 OF THE SAFEGUARDS TRANSFER
AGREEMENT PROVIDES THAT IT MAY BE PROLONGED FOR
FURTHER PERIODS AS AGREED BY THE PARTIES:
QUOTE NOW, THEREFORE, THE INTERNATIONAL ATOMIC ENERGY
AGENCY (HEREINAFTER REFERRED TO AS THE 'AGENCY'),
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA HAVE
AGREED AS FOLLOWS:

QUOTE 1. THE UNDERTAKINGS BY THE GOVERNMENT OF THE
REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED
STATES OF AMERICA IN SECTIONS 2 AND 3 OF THE SAFEGUARDS
TRANSFER AGREEMENT PRECLUDE THE USE OF ANY ITEM
SUBJECT TO THE SAFEGUARDS TRANSFER AGREEMENT FOR THE
MANUFACTURE OF ANY NUCLEAR WEAPON OR TO FURTHER ANY
OTHER MILITARY PURPOSE OR FOR THE MANUFACTURE OF ANY
OTHER NUCLEAR EXPLOSIVE DEVICE.

QUOTE 2. THE SAFEGUARDS TRANSFER AGREEMENT SHALL
CONTINUE IN FORCE UNTIL THE AGENCY HAS, IN
ACCORDANCE WITH THE TERMS OF THAT AGREEMENT, TERMINATED
SAFEGUARDS ON ALL ITEMS SUBJECT TO THAT AGREEMENT.

QUOTE 3. THIS PROTOCOL SHALL ENTER INTO FORCE UPON
SIGNATURE BY OR FOR THE DIRECTOR GENERAL OF THE
AGENCY AND BY THE AUTHORIZED REPRESENTATIVES OF THE
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GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA.
QUOTE DONE IN VIENNA, THIS-----DAY OF MARCH
1977, IN TRIPLICATE IN THE ENGLISH AND SPANISH
LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

QUOTE IN THE INTERNATIONAL ATOMIC ENERGY AGENCY:
QUOTE FOR THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA:
QUOTE FOR THE GOVERNMENT OF THE UNITED STATES OF
AMERICA. UNQUOTE.

5. PLEASE ADVISE. STONE

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Message Attributes

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TAGS: TECH, ENRG, PARM, MNUC, US, CO, IAEA
To: STATE BOGOTA
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vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/5cdcbab9-c288-dd11-92da-001cc4696bcc
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